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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PENDING APPLICATION**Docket Number 5465A  
US PTO Customer No. 26280

In re Application of: Danielson et al.

Application No.: 10/748,627

Filed: December 30, 2003

For: **NOVEL COMBINATIONS FOR USE AS TONERS IN POLYESTERS**

The owner, MILLIKEN & COMPANY, of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of any patent granted on the application forming the basis of the double patenting rejection, namely, any patent granted on Application No. 10/140,700, filed on May 7, 2002, as shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the foregoing Application are commonly owned. This agreement runs with any patent granted on the instant application and is building upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the foregoing Application, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Please charge the Terminal Disclaimer fee under 37 CFR 1.20 (d) to US PTO Deposit Account 04-0500.

Thank you.

  
John E. Vick, Jr.  
Attorney of RecordDate: October 26, 2004

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